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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to refer to the statement issued by the President of the Security Council on 19 February 1992 (S/23609) concerning the dispatch to Iraq of a special mission headed by the Executive Chairman of the Special Commission established under Security Council resolution 687 (1991), "to meet and discuss with the highest levels of the Iraqi Government for the purpose of securing the unconditional agreement by Iraq to implement all its relevant obligations under resolutions 687 (1991), 707 (1991) and 715 (1991)".

In this context, the Secretary-General wishes to transmit herewith the attached letter and its enclosure dated 25 February 1992, addressed to him by Ambassador Rolf Ekéus, Executive Chairman of the Special Commission, upon the completion of the latter's mission to Iraq.

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Annex

Letter dated 25 February 1992 from the Executive Chairman of the Special Commission addressed to the Secretary-General

I have the honour to refer to the statement issued by the President of the Security Council on 19 February 1992 (S/23609), in which the Council supported your decision to send a special mission headed by me to meet with the highest levels of the Iraqi Government for the purpose of securing the unconditional agreement by Iraq to implement all its relevant obligations under Council resolutions 687 (1991), 707 (1991) and 715 (1991). I am submitting herewith my report on the proceedings and outcome of the special mission's visit to Baghdad in view of the Council's request that you report to it on the results of the mission.

(Signed) Rolf EKEUS
Executive Chairman
Office of the Special Commission

Enclosure

Report to the Secretary-General by the Executive Chairman of the Special Commission established pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)

A. Introduction

1. After the consideration by the Security Council of a report by the Secretary-General (S/23606), the President of the Council issued an agreed statement (S/23609) on 19 February 1992 regarding the item before the Council on the situation between Iraq and Kuwait. In that statement, the members of the Council recorded their support for the decision of the Secretary-General to dispatch a special mission headed by the Executive Chairman of the Special Commission to visit Iraq immediately to meet and discuss with the highest levels of the Iraqi Government for the purpose of securing the unconditional agreement by Iraq to implement all its relevant obligations under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991).

2. On 19 February 1992, immediately after the issue of the statement by the President of the Security Council, the Executive Chairman left United Nations Headquarters for Baghdad. The Executive Chairman was accompanied by the following members of the staff of the Office of the Special Commission: Mr. John F. Scott, Mr. Stefan Noreén, Mr. Martin Trevan and Ms. Olivia Platon.

3. The special mission arrived at Baghdad on 21 February 1992. Over the course of its stay in Baghdad from 21 to 24 February, the Executive Chairman and the members of his staff held the following four meetings with the highest levels of the Government of Iraq:

Date and time		Representation by Iraq (Principal members of the delegation)
21 February 1992		
1900-2200 hours	-	H.E. Mr. Mohammed Sa'eed Al-Sahhaf, Minister of State for Foreign Affairs
	-	General Amer Rasheed Al-Ubeidi, Vice-Chairman of the Military Industrial Corporation
	-	Dr. Human Abdul Khaliq, Chairman of the Iraqi Atomic Energy Commission
	-	Mr. Wissam Al-Zahawi, Adviser to the Minister for Foreign Affairs

Date and time		Representation by Iraq (Principal members of the delegation)
	-	Dr. Sa'eed Al-Musawi, Director of the Disarmament Section, Ministry of Foreign Affairs
	-	Dr. Saadoun Al-Zubeidi, Head of the Research Department, Ministry of Foreign Affairs
22 February 1992		
1200-1400 hours	-	H.E. Mr. Tariq Aziz, Deputy Prime Minister
	-	H.E. Mr. Ahmed Hussein, Minister for Foreign Affairs
	-	H.E. Mr. Mohammed Sa'eed Al-Sahhaf
	-	General Amer Rasheed Al-Ubeidi
	-	Dr. Human Abdul Khaliq
	-	Dr. Riyadh Al-Qaysi, Chief of the Department of International Organizations, Ministry of Foreign Affairs
	-	Dr. Sa'eed Al-Musawi
	-	Dr. Saadoun Al-Zubeidi
1900-2145 hours	-	H.E. Mr. Mohammed Sa'eed Al-Sahhaf
	-	General Amer Rasheed Al-Ubeidi
	-	Dr. Human Abdul Khaliq
	-	Dr. Riyadh Al-Qaysi
	-	Dr. Sa'eed Al-Musawi
	-	Dr. Saadoun Al-Zubeidi
23 February 1992		
1830-2110 hours	-	The same as at the evening meeting on 22 February

4. At the meeting with the Deputy Prime Minister on 22 February it was agreed that, in order to clarify their respective positions, both sides would prepare and exchange written statements. The statement by the Executive Chairman was delivered to the Iraqi delegation at the second meeting held the same day. The Executive Chairman received the statement by Iraq the following afternoon. The text of the Executive Chairman's statement appears in appendix I and that of the Government of Iraq in appendix II.

5. On 24 February 1992, the special mission left Baghdad for Bahrain, where the Executive Chairman prepared the present report for submission to the Secretary-General on the outcome of his discussions with the highest levels of the Government of Iraq.

B. Points presented in the discussion

1. Special mission

Mandate and aims

6. The Executive Chairman explained to the Iraqi side the background to the special mission and its mandate. He drew on the following:

(a) The statement made by the President of the Security Council at the conclusion of the meeting held at the level of heads of State and Government on 31 January 1992, which stated that all relevant Security Council resolutions on Iraq should be fully implemented;

(b) The report of 18 February 1992 of the Secretary-General to the Security Council, which was written in response to the foregoing statement. This concluded that the Special Commission was unable to carry out the plans for ongoing monitoring and verification without Iraqi recognition of its obligations and without full, final and complete disclosure of its programmes for weapons of mass destruction under Security Council resolution 707 (1991). That report also pointed out the problems that the Special Commission faced over air transport within Iraq;

(c) The statement of 19 February 1992 issued by the President of the Security Council.

7. The Executive Chairman raised, in particular, the following points:

(a) Recognition that progress had been made but that much still remained to be done to implement the Council's resolutions;

(b) The Council's grave concern at the continued Iraqi failure to acknowledge its obligations under resolutions 707 (1991) and 715 (1991) and rejection of the ongoing monitoring and verification plans and the Council's view that that constitutes a continuing material breach of the relevant provisions of resolution 687 (1991);

(c) That full disclosure of the weapons programmes, together with supporting documentary and physical evidence, was required under resolution 707 (1991) to enable progress on implementation of resolution 715 (1991);

(d) That monitoring and verification of Iraq's obligations was an integral part of resolution 687 (1991);

(e) That such monitoring and verification was of the utmost importance in achieving the goal of a zone in the Middle East free of weapons of mass destruction and all missiles for their delivery;

(f) That unconditional agreement of Iraq to implement its obligations under all the relevant resolutions of the Council was one of the essential preconditions for any reconsideration by the Council of the sanctions;

(g) That the purpose of the special mission was to obtain Iraq's unconditional agreement to implement all its relevant obligations under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991) and to stress the serious consequences if such an agreement was not forthcoming. These included delaying the lifting of sanctions. Furthermore, the destruction of more of Iraq's dual-capable production facilities would be required than might otherwise be the case;

(h) That the special mission was to report to the Council through the Secretary-General upon its return.

Security Council resolutions 687 and 707 (1991)

8. The Executive Chairman stated that the Special Commission needed full, final and complete disclosure by Iraq of its weapons programmes because it had to be convinced that Iraq had declared all of these programmes before it could make any statement for any determinations by the Security Council under paragraph 22 of resolution 687 (1991); only on the basis of such disclosure would dialogue on Iraq's compliance be meaningful. Given that understanding, the Executive Chairman said that the Special Commission was prepared to pursue Iraqi suggestions to clarify the big picture for the weapons programmes.

9. The Executive Chairman drew attention to the rights of the Special Commission in respect of the operation of its own aircraft and use of airfields of its choice which were elaborated upon in Security Council resolution 707 (1991) and in the plans for ongoing monitoring and verification. He emphasized that the Special Commission had made proposals to the Iraqi Government regarding the use of newly operational airport facilities within the city of Baghdad which would greatly expedite the Commission's flights into and out of Iraq from abroad. The Special Commission was prepared to discuss with the Government practical arrangements to take account of any of its legitimate concerns regarding the use of airports. The Executive Chairman also drew attention to a request by a chemical weapons destruction team then in Iraq to land one of the Commission's C-160 fixed-wing aircraft at Al-Tallil airfield at Nasiriyah to be available for medical evacuation

purposes should any emergencies arise in the course of destroying a considerable number of rockets equipped with chemical weapons at Khamisiyah.

Security Council resolution 715 (1991)

10. The Executive Chairman pointed out that if Iraq were planning to declare acceptance of resolutions 707 (1991) and 715 (1991), it would benefit more by announcing its acceptance now rather than during the Iraqi visit to the Security Council, which was expected to take place in March 1992.

11. The Executive Chairman explained in depth the background of the ongoing monitoring and verification plans and drew a sharp distinction between the destruction of items identified as being linked with programmes related to section C of Security Council resolution 687 (1991) and the monitoring of industry, which, if confined to permitted purposes, would not involve destruction. He continued that, with full cooperation and full declarations, implementation could be relatively painless and easy. Initial visits would draw up facility attachments for each site which would then govern the conduct of future monitoring inspections of declared facilities. There would be random on-site inspections of non-declared facilities but if declarations were full, this should pose only limited problems. However, without Iraqi cooperation it would be difficult, if not impossible, for the Special Commission to fulfil the monitoring task. Identifying by U-2 and on-site inspection all the sites to be monitored would not be sufficient.

Compliance

12. The Executive Chairman stated that conditions for the Special Commission to report to the Security Council that Iraq was in substantial compliance would require implementation of all Iraq's obligations, including ongoing monitoring and verification and destruction of all items. The Security Council would be informed accordingly once it was evident to the Special Commission and the International Atomic Energy Agency (IAEA) that everything was on the right track and that the ongoing monitoring and verification was functioning smoothly and on a routine basis.

2. Iraq

Security Council resolutions 687 and 707 (1991)

13. The Iraqi side stated that it considered that it had provided all the necessary information under Security Council resolution 687 (1991). It recognized that Iraq may not have presented its declarations in a coherent manner and suggested that it present them a second time in a consolidated format so that the Commission could get a better idea of the overall programmes. If the Special Commission and IAEA continued not to be satisfied with the completeness of the information provided, they should then address specific questions to Iraqi experts.

14. In order to achieve this, the Iraqi side proposed a procedure culminating in a "seminar" of Iraqi, Special Commission and IAEA experts. This procedure should take place within a set timetable and should deal "once and for all" with the overall consolidated picture of Iraq's weapons programmes. It should, they insisted, result in a joint statement, signed by both sides, to the end of which a definitive list of outstanding issues could be appended. Iraq, however, would need to have guarantees that this was "once and for all". The Iraqi side further insisted that this procedure should result in a report to the Security Council stating that Iraq was in compliance with its obligations under stage 1 of the Special Commission's work (see para. 19 below).

15. The Iraqi side further suggested that, in order to facilitate the completion of stage 1 of the Special Commission's work, the Commission should draw up a final list of exactly what equipment needed to be destroyed.

16. The Iraqi side did not respond to the Special Commission's questions about its rights to operate its own aircraft and use airfields in Iraq of its own choice. However, in the general discussion it became apparent that Iraq's concerns in this regard were linked to general concerns relating to its sovereignty, territorial integrity and national security. Upon leaving Baghdad, the special mission learnt that the Iraqi side had agreed to emergency landings of a fixed-wing aircraft for medical evacuation purposes at the Al-Tallil airfield for the duration of the programme to destroy chemical-filled rockets at Khamisiyah. On its way out of Iraq, the C-160 fixed-wing aircraft carrying the special mission landed at Al-Tallil as a test run.

Security Council resolution 715 (1991)

17. The Iraqi side admitted that Iraq had obligations under Security Council resolution 687 (1991) to permit ongoing monitoring of its obligations not to reacquire the weapons systems destroyed under section C of that resolution. It had not rejected the two plans for ongoing monitoring and verification approved under Security Council resolution 715 (1991). It had merely expressed its position on resolution 715 (1991). Iraq had likewise earlier expressed its objections to Security Council resolution 687 (1991) but had nevertheless accepted it. The main problem with the plans, from Iraq's standpoint, lay in the general provisions, continuing into the indefinite future the privileges, immunities and facilities for the Special Commission and IAEA, agreed as part of the cease-fire arrangements, which infringed Iraq's sovereignty, territorial integrity, national security and industrial capabilities.

18. To assist Iraq in identifying how the plans for ongoing monitoring and verification could be implemented in a practical manner acceptable to both sides, the Iraqi side proposed that the Special Commission provide a detailed description of how the ongoing monitoring and verification plans would be implemented.

Sanctions and compliance

19. The Iraqi side insisted that there should be a linkage between Iraqi cooperation with the Special Commission and the easing or lifting of sanctions. In addition, a clear distinction should be made between stage 1 of the Special Commission's work - the identification and destruction of weapons systems under section C of Security Council resolution 687 (1991) and the identification of production equipment from those programmes for future monitoring - and stage 2, the long-term monitoring plans under Security Council resolution 715 (1991). Sanctions, according to the Iraqi side, should be progressively eased as implementation progressed of stage 1. Stage 2, they insisted, should not be used as a mandate in perpetuity for those with the veto to keep sanctions in place. To the Iraqi side it appeared that, no matter what Iraq did, sanctions remained in place. In such circumstances it was difficult for them to see what incentive there was for Iraq to be cooperative.

C. Conclusions

20. After a careful review of the written statement by the Government of Iraq (hereafter referred to as "the statement"), and taking account of the discussions which were held, the Executive Chairman has regretfully concluded that, at this stage, he is not able to report to the Council that he has secured from the highest levels of the Government of Iraq unconditional agreement by Iraq to implement all its relevant obligations under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991).

21. Security Council resolution 707 (1991) demands that, without further delay, Iraq provide full, final and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres, including launchers, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes. In its statement, Iraq gives no undertaking to provide such a full, final and complete disclosure. Instead, it expresses the opinion that it has provided all the necessary information required of it.

22. Iraq indicates, however, that it is ready to cooperate in the provision of any additional information still deemed necessary, and proposes that this should be done by an expert level dialogue with the Special Commission to clarify the overall picture of each of the programmes concerned. It proposes that, for the purposes of such a dialogue, Iraq should prepare "in a consolidated format, the information required of Iraq". In the discussions, this was indicated to be the information already provided. While the Executive Chairman welcomes this offer to consolidate prior information, he is of the view that it would not constitute the full, final and complete disclosure called for by resolution 707 (1991), which would provide the Special Commission and IAEA with a complete picture and understanding of all Iraq's prohibited weapons programmes.

23. For instance, while the discussions between the special mission and the Iraqi representatives were in progress, a ballistic missile inspection team found at two sites prohibited items that had not previously been declared. Furthermore, major aspects on which Iraq has not yet provided any or sufficient information are outlined in the Executive Chairman's written statement provided to the Government of Iraq. In its statement, the Government indicates it is willing to provide some, but not all of this information. If Iraq were to provide declarations containing full, final and complete disclosure on all the proscribed programmes, supported by documentary and physical evidence, this could serve as a useful basis for dialogue in order to clarify points of detail and to seek to close any gaps that might appear to exist.

24. While the Executive Chairman welcomes the decision by Iraq to permit the landing of the Special Commission's C-160 fixed-wing aircraft at Al-Tallil airfield for medical evacuation purposes during the operations at Khamisiyah of a chemical weapons destruction team, he notes that no progress was made during the special mission's visit on the use of an operational airfield for the Special Commission's fixed-wing aircraft within the limits of the city of Baghdad. The Iraqi authorities did not immediately take up the Executive Chairman's offer to explore practical arrangements that could accommodate legitimate government concerns in this regard. Given the rights of the Special Commission, both under Council resolution 707 (1991) and under the plans on ongoing monitoring and verification, to use airfields of its own choice, the Executive Chairman will continue to press for an affirmative response from the Iraqi Government for landing rights at Rasheed airport. This would consolidate both fixed-wing and helicopter operations by the Commission's aircraft at one place, thus greatly facilitating its tasks at an airfield not far removed from the Commission's field office in Baghdad. If an affirmative response is not shortly obtained, the Executive Chairman reserves the right to raise this matter again with the Council.

25. In the statement by Iraq, it is indicated that Iraq does not reject the plans for ongoing monitoring and verification approved under Security Council reoslution 715 (1991). In elaborating on this statement, Iraq indicates that it has accepted only the principle of ongoing monitoring and verification, and this is subject to considerations of sovereignty, territorial integrity, national security and non-infringement on Iraq's industrial capabilities. The Executive Chairman cannot conclude that such a statement constitutes unconditional agreement by Iraq to implement its obligations under the plans for ongoing monitoring and verification.

26. In its statement, Iraq further indicates that "the Iraqi delegation to be dispatched to talk to the Security Council will convey Iraq's position on resolutions 707 (1991) and 715 (1991)". Unconditional agreement by Iraq to implement its obligations under these resolutions is not therefore provided to the Executive Chairman, and it is not in fact clear that it will be provided to the Security Council.

27. If unconditional agreement is not provided, the initiation and practical implementation of resolution 715 (1991) and the plans approved thereunder cannot be undertaken in a credible manner. However, should Iraq provide, in a form acceptable to the Council, the acknowledgement and the unconditional guarantee called for in the statement by the President of the Council, a possibility for the implementation of the resolution and the plans will have been opened up.

28. Nevertheless, much will remain to be done. For example, particularly in the chemical, biological and ballistic missile fields, declarations complying with the requirements of the Special Commission's plan on ongoing monitoring and verification will have to be received and verified. Thereafter, successful initiation and conduct of ongoing monitoring and verification will require the full cooperation and goodwill of the Government of Iraq. Only through successful implementation in the field, on the basis of adequate declarations and periodic reporting by Iraq, can progress be made in carrying out the Security Council's resolutions to the point where the Special Commission and IAEA would be in a position to report to the Council that, in their view, Iraq was in substantial compliance with its obligations under section C of Security Council resolution 687 (1991).

Appendix I

STATEMENT BY THE SPECIAL MISSION

(Delivered to the Government of Iraq at Baghdad on 22 February 1992)

A. General purpose

The Executive Chairman has been dispatched by the Secretary-General and the Security Council to secure unconditional agreement by Iraq to implement all its relevant obligations under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991). The Council acted on the basis of a report (S/23606) indicating that the most serious difficulty currently confronting the Special Commission and IAEA was Iraq's rejection of the plans for ongoing monitoring and verification approved by the Council under Chapter VII of the Charter in its resolution 715 (1991).

In order to achieve its objectives the mission requires:

(a) An acknowledgement by Iraq of its obligations under resolution 715 (1991) and the plans approved under it;

(b) An undertaking by Iraq to provide all the remaining information required under resolutions 687 (1991) and 707 (1991) in order for the Special Commission and IAEA to be able to report to the Security Council that, in their view, Iraq is in substantial compliance with its obligations under section C of resolution 687 (1991);

(c) An undertaking by Iraq to implement the other obligations imposed under resolution 707 (1991).

B. Action required

In addition to the general acknowledgements and undertakings referred to above, the following is an indicative list of specific steps required of Iraq in implementation of its obligations under the Security Council resolutions.

1. Resolution 715 (1991) and the plans approved thereunder:

   - Declarations required under the plans;

   - An undertaking that Iraq will cooperate to ensure implementation of the plans;

2. Resolutions 707 (1991) and 687 (1991):

- All information required to provide a clear overall picture of each of the weapons programmes concerned, including the evolution of the programmes and the links between all the elements;

- Information on procurement to support the programmes, including detailed year-by-year breakdown of production and imports, and their sources;

- Full records of the use of all relevant weapons and components thereof to enable adequate material balances to be established;

- Credible detailed information on items destroyed unilaterally by Iraq;

- Sufficient supporting documentation and/or physical evidence for all declarations made by Iraq to establish their credibility;

- Practical arrangements permitting use by the Special Commission of facilities, including those relating to the operating and landing of United Nations aircraft, which best facilitate the performance of the Commission's tasks.

Appendix II

STATEMENT BY THE GOVERNMENT OF IRAQ

(Received by the special mission at Baghdad on 23 February 1992)

General position

1. Iraq reaffirms its willingness to cooperate and deal constructively with the mission headed by H.E. Ambassador Ekéus, and points out the following grounds:

(a) Iraq is of the opinion that it has provided all the necessary information required of it;

(b) Iraq is ready to cooperate in the provision of any additional information still deemed necessary;

(c) The best modality for implementing what is mentioned in (b) above is to have the opportunity to conduct an expert level dialogue with the Special Commission to clarify the overall picture of each of the programmes concerned, and reach specific conclusions, specially in respect of the modification of equipment for non-prohibited purposes within a specific period of time.

2. Once this has been accomplished within a specified period of time, the Special Commission and IAEA should then report to the Security Council that, in their view, Iraq is in substantial compliance with its obligations under Security Council resolution 687 (1991), and that Iraq requests the Security Council to draw a fair balance between the level of progress achieved at this stage and the position on the sanctions with a view to lifting them.

3. Iraq insists that the Special Commission take a clear position as to the first stage (the destruction of weapons and the identification of the equipment which produce them), in view of the link between this position and the position on the sanctions. Iraq also insists that the Special Commission present to the Security Council a fair and accurate factual report on this subject.

Proposed action

1. Iraq proposes that Iraqi experts be invited to present, in a consolidated form, the information required from Iraq, and to respond to the questions relating thereto.

2. To respond to any questions that may be raised by the Special Commission in this regard.

3. To enable adequate material balances to be established for all weapons and their components.

4. To provide credible detailed information on items destroyed unilaterally by Iraq.

5. To provide, upon specific requests, any available evidence relating to Iraq's declarations.

6. To discuss the scope of destruction proposed by the Special Commission, so as to ensure the specific non-prohibited use of the facilities, equipment, materials and components in an irreversible manner.

Plans for ongoing monitoring and verification

1. Iraq does not reject the plans for ongoing monitoring and verification. By recognizing resolution 687 (1991), Iraq has accepted the principle that the Security Council should ascertain and verify that industry in Iraq is not directed in a manner which does not satisfy the Security Council as to the non-production of prohibited weapons. In this regard, Iraq can deal with the Security Council and the Special Commission on the basis of respect to sovereignty and the requirements of national security, and of refrainment from the methods of provocation and infringement upon Iraq's industrial capabilities which will be devoted to peaceful purposes or to military purposes not prohibited by Security Council resolution 687 (1991).

2. The Iraqi delegation to be dispatched to talk to the Security Council will convey Iraq's position on resolutions 707 (1991) and 715 (1991).